

FRANK HORTON  
U.S. REPRESENTATIVE  
34TH DISTRICT OF NEW YORK

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Congress of the United States  
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Washington, D.C. 20515

January 13  
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FEDERAL LIAISON ADMINISTRATOR

MARY PAT FITZGERALD  
FEDERAL LIAISON ASSOCIATE



INTERNATIONAL  
SECURITY AFFAIRS

UNITED STATES DEPARTMENT OF DEFENSE

WASHINGTON, D.C. 20301

In reply  
refer to: I-06262/81

13 March 1981

Ms. Susan Magab

DATA

Dear Ms. Magab:

Thank you for your letter of February 2, 1981 to President Reagan concerning the nearly 2,500 Americans who remain unaccounted for in Indochina.

The US Government is continuing its vigorous efforts to account for all missing Americans from the Vietnam War. Unfortunately, progress has been painfully slow due to intransigence on the part of the Indochina governments. Because a significant amount of information pertaining to the MIAs is in Vietnamese hands and thus far we have had little cooperation from the Socialist Republic of Vietnam, The US Government has been unable to determine the fate of those missing in action (MIA), or classified as PW but did not return.

Beginning with Department of Defense efforts which began immediately following the Vietnam War ceasefire agreement, we have repeatedly raised the issue through congressional and diplomatic channels. Most recently, On October 1-4, 1980, two representatives from the Joint Casualty Resolution Center met with Vietnamese officials in Hanoi to discuss accounting matters. The talks took place within a humanitarian context and were of a technical nature. Although very little substantive progress was made, we would hope that this meeting will mark the beginning of further direct dialogue between US and Vietnamese officials. Our charge d'affaires in Laos is vigorously seeking cooperation from the Laotians to account for our missing in that country. The current politico-military situation in Kampuchea makes accounting for our missing there extremely difficult. President Reagan remains committed to resolving this humanitarian matter properly and is kept informed of major developments by his senior advisors.

On March 29, 1979, PFC Robert R. Garwood was debriefed by representatives of the US Marine Corps for the purpose of obtaining any casualty resolution information which would

Lt. Col. John Fer  
Principle Advisor for POW/MIA Affairs  
Department of Defense  
International Security Affairs  
2D322 The Pentagon  
Washington, DC 20301

Dear Col. Fer:

This is to introduce to you my constituent, Michael L. Montemorano. DATA

Michael is the Chairman of POW/MIA Affairs for the Wayne County American Legion. He has requested that I contact you on his behalf.

Michael would appreciate very much your getting in touch with him so that matters of mutual concern can be discussed.

Thank you for your courtesy and interest in my constituent, Michael L. Montemorano.

With kindest regards,

Sincerely,

*Frank Horton*  
Frank Horton

FJH:DRGS

*Send him info on POW/MIA efforts*

DI/EAPR

*20 Banned*

confirm that US personnel still remain in the Socialist Republic of Vietnam. Garwood provided no information which would confirm that any American servicemen still remain in captivity in Southeast Asia. The court-martial of Private Garwood is now complete. Contact has already been made with the trial counsel in the case to request copies of pertinent sections of the transcript. Additionally, Defense Intelligence Agency (DIA) analysts are in contact with the trial counsel concerning information obtained during his investigation for trial which would be pertinent to their inquiry. DIA analysts will attempt to interview Private Garwood. However, they cannot do this until it has been properly coordinated so that they will not adversely affect his legal rights.

To coordinate our efforts in securing the fullest possible accounting we have established an interagency group comprising representatives from the staff of the House Subcommittee on Asian and Pacific Affairs, Departments of State and Defense, National Security Council staff, and National League of Families of American Prisoners and Missing in Southeast Asia. We believe that the Indochina governments can and ought to do more and we are determined to continue to press them for every assistance in obtaining the fullest possible accounting and return of all recoverable remains.

Sincerely,

*for Robert L. Can*  
 Donald S. Jones  
 Rear Admiral, USN  
 Director, East Asia  
 and Pacific Region

SECRETARY OF DEFENSE ROUTING SLIP		ACT COPY TO	INFO COPY TO	TO
TO	OFFICE OF THE SECRETARY OF DEFENSE			MILITARY DEPARTMENT
	SECRETARY OF DEFENSE			SECRETARY OF THE ARMY
	DEPUTY SECRETARY OF DEFENSE			SECRETARY OF THE NAVY
	THE SPECIAL ASSISTANT			SECRETARY OF THE AIR FORCE
	PROTOCOL			JOINT CHIEFS OF STAFF
	UNDER SECRETARY FOR POLICY			CHIEF OF DEFENSE STAFF
	UNDER SECRETARY FOR RSCH & ENGR			DEFENSE AGENCIES
	ASD (Comptroller)			DEFENSE COMPTROLLER'S OFFICE
	DASD (Administration)			DEFENSE ADMINISTRATION
	ASD (Comm, Command, Control & Intel)			DEFENSE COMMUNICATIONS AGENCY
	ASD (Health Affairs)			DEFENSE HEALTH AGENCY
	ASD (International Security Affairs)			DEFENSE INTELLIGENCE AGENCY
	ASD (Manpower, Res Aff & Logistics)			DEFENSE LOGISTICS AGENCY
	ASD (Program Analysis & Evaluation)			DEFENSE PROGRAM ANALYSIS AGENCY
	ASD (Public Affairs)			DEFENSE PUBLIC AFFAIRS AGENCY
	GENERAL COUNSEL			DEFENSE NUCLEAR AGENCY
	ATSD (Atomic Energy)			DEFENSE SECURITY ASSISTANCE AGENCY
	ATSD (Legislative Affairs)			DEFENSE LEGISLATIVE AGENCY
	DUSD (Policy Review)			DEFENSE POLICY REVIEW AGENCY
	DIR, NET ASSESSMENT			DEFENSE NET ASSESSMENT AGENCY
TYPE OF ACTION REQUIRED				
	PREPARE REPLY FOR			COMMENTS AND/OR RECOMMENDATIONS
	PREPARE REPLY FOR			COORDINATE REPLY WITH
	REPLY DIRECT			
	APPROPRIATE			
	INFORM			
REMARKS				
Open copy of this reply should state, "Thank you for your letter of (date)				
to the agency concerning . . . . ."				
<input type="checkbox"/> ADVANCE ACTION COPY <input type="checkbox"/> INFORMATION COPY				
ROUTING DATE (YYMMDD)		OSD CONTROL NUMBER		
11 MAR 1991		W 383 10		I-062621
PREVIOUS EDITIONS ARE OBSOLETE.				

at Mr. President.  
After hearing about POW  
Garwood, the former POW, I felt I should write to you.

- Considering that Garwood  
① Garwood wasn't released until  
sometime after the other POWs  
were, I've been wondering how  
many other Americans are still  
② being held prisoner in North  
Vietnam.

Any group of people such as  
the North Vietnamese, who would be  
so cruel as to inflict physical and  
mental injuries on others, wouldn't  
be above deceiving the U.S. government  
as to whether there are still any  
living POWs over there.

I know that American  
servicemen in Vietnam were  
classified as either POW or  
MIA. What happened to the  
USP 7-6664/8/ 883 10

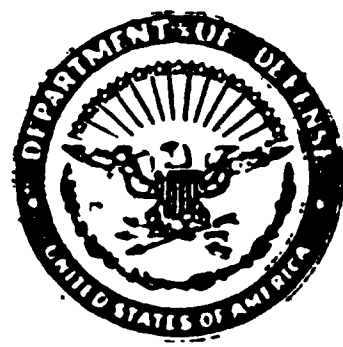
③ MIA. Has a President's right  
over been made, as to their true  
status?

You were high in your stand  
on Iran, how about getting tough  
④ with North Vietnam? As the leader  
of the United States, you are in a  
position to do something.

It's not right that those  
⑤ men should be forgotten. Please  
don't let this happen.

Sincerely,  
A concerned citizen,  
Sean Doyle





INTERNATIONAL  
SECURITY AFFAIRS

OFFICE OF THE ASSISTANT SECRETARY OF DEFENSE

WASHINGTON, D.C. 20301

28 OCT 1981

Ms. Susan Mogab

*DATA*

Dear Ms. Mogab,

Thank you for your letter of October 11 concerning the Vietnam PW/MIA accounting issue. Your continuing sincere interest in this humanitarian matter is greatly appreciated.

Lt Col Gerald G. Van Buren, the Serviceman whose name appears on your bracelet, became missing in action when the aircraft on which he was a crewmember failed to return from a mission over northern Vietnam on December 29, 1967. Following a status review, a presumptive finding of death was entered on August 29, 1977. The fact that Lt Col Van Buren's status has been changed to deceased by the Air Force does not mean that the Government ceases its efforts to account for him. We are prepared to do the job through all available avenues, but because the problems surrounding the question of his fate are difficult in every respect, we are convinced that the issue will not be resolved quickly or easily.

As I mentioned to you in my March 13 letter, the U. S. Government is continuing to press the Indochina governments for their cooperation in accounting for our missing. Since my last letter, Joint Casualty Resolution Center representatives met once again with the Vietnamese in Hanoi on May 27-30. A major outcome of the discussions was the return of the remains of three American servicemen who died during the war. Although it was a small gesture compared with what we would like to see, we are nevertheless thankful for the return of these three men who so bravely served our country.

As we have done in the past, we will continue to seek the cooperation of other governments as well as the United Nations in our efforts to resolve the accounting issue. The lack of cooperation from the Vietnamese and Laotians, however, makes our task extremely difficult. The Vietnamese have agreed that discussions on PW/MIA accounting can proceed regardless of progress or lack

of progress on any other issue, including recognition of the Socialist Republic of Vietnam. Therefore, the lack of movement on accounting is not linked to our refusal to establish diplomatic relations with the Vietnamese. Although progress has been painfully slow thus far, we are committed to obtaining the fullest possible accounting for our missing Servicemen.

I hope the information I have provided is helpful to you.

Sincerely,

*Robert F. Carr*  
Robert F. Carr

Colonel, USA  
Deputy Director  
East Asia & Pacific Region

*P.S. Adm Jones read your letter and ask that I respond. We are both in the same office and he clears on any mail I may sign for him. We truly do appreciate your interest and are working hard to resolve these matters.*

*J. R.  
MOL*

Sunday, 11 October-1981

Dear Admiral Jones:

✓ Enclosed is a copy of a letter I received in March from a Mr. Robert Carr written and signed in your name. I'm sure you will see that I am very concerned about the 2,528 men still missing.

✓ I have an MIA bracelet which I started wearing again some months ago, and I want to know if the man whose name is inscribed on it, is dead, still missing, or if he came back.

With the strength, money, and technology that the U.S. has, why hasn't someone in the military and/or government thought of a solution? It's obvious by now that diplomatic channels are of no use. Why can't the U.S. government give the North Vietnamese, etc., what they want--official recognition, a lifting of trade embargos, and intercession with China? If it was possible to get all the remaining POW's and the remains of the dead servicemen back home, then the government could rescind the recognition, cut trade off, and accordingly speak with the Chinese government.

Sometimes deceit has to be fought with deceit. I'm sure that it's nothing new to governments and embassies.

✓ Please inform me as to the status of Major Gerald Van Buren. The date of capture on my bracelet is 12-29-67. I will continue to wear my bracelet and do what I can for the return of our fellow Americans.

Sincerely,

*Susan Mogab*  
Susan Mogab



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*Don S. Jones*  
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 Director, East Asia  
 and Pacific Region



INTERNATIONAL  
 SECURITY AFFAIRS

OFFICE OF THE ASSISTANT SECRETARY OF DEFENSE

WASHINGTON, D.C. 20301

22 DEC 1981

Mr. John W. Moulton  
 Supervisor Central Office  
 State of Illinois  
 Department of Veteran's Affairs  
 P.O. Box 5054  
 208 West Cook Street  
 Springfield, Illinois 62705.

Dear Mr. Moulton:

Your letter of November 17th addressed to the former Director of the Defense Intelligence Agency, concerning applicability of statutory presumption of death to certain Illinois residents who have been classified as missing in action in Vietnam, has been referred to me for reply.

So far as the Federal Government is concerned, the status of members of the armed forces who have been classified as missing in action is governed by the so-called Missing Persons Act which is codified in chapter 10 of title 37, United States Code. Under this body of law the Secretary of the Military Department concerned is required to review the case of every member who has been in a missing status for 12 months to determine whether the member should be continued in that status or found to be dead. If the missing member is continued as missing, the Secretary is required to review the case again when warranted by information received or other circumstances. So long as the member is continued in missing status, his military pay and allowances are credited to his account. A finding of death terminates such entitlements, results in settlement of accounts and provides for payment of a death gratuity. Determinations made by the Service Secretaries under the Missing Persons Act are conclusive on all departments and agencies of the Federal Government.

You indicate that your office still lists approximately 100 members of the armed forces from Illinois as missing in action. The status of most of these members has been changed by the services under procedures of the Missing Persons Act described above. If you will provide me with a list of these names, I will advise which ones have been the subject of status changes.

The reference in your letter to a seven year absence presumption of death apparently denotes an Illinois presumption of death